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Tarrant County Texas

Official Public Records

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Suzanne Henderson

PGS 3 \$24.00

Submitter: SIMPLIFILE

FIRST AMENDMENT OF OIL, GAS AND MINERAL LEASE

STATE OF TEXAS §
 §
 COUNTY OF TARRANT §

WHEREAS, **Willie J. Rankin** ("Lessor") whose address is 6745 Manor Drive, North Richland Hills, Texas 76180, executed an Oil and Gas Lease (the "Lease") dated September 14, 2006, which is recorded as Instrument No. D206382026 in the Official Records of Tarrant County, Texas, in favor of **XTO Energy Inc.** ("Lessee") covering the following land (the "Land"):

7.95 acres, more or less, out of the Jesse Russell Survey, A-1361, Tarrant County, Texas, being known as Tract 5, and being those same lands more particularly described in Volume 6787, Page 1031, Deed Records, Tarrant County, Texas.

WHEREAS, Lessor and Lessee desire to amend the Lease as set forth herein.

NOW, THEREFORE, for \$10.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee hereby agree that the Lease is hereby amended as follows:

It is agreed and understood that wherever the designation "23%" appears in paragraph three (3) hereof, the same shall be deleted and the designation "25%" shall be substituted therefore.

Where it now reads "320 surface acres" in paragraph four (4) is amended to now read "430 surface acres".

The following language shall be added to the Lease: Lessor's royalty shall be calculated free and clear of costs and expenses for exploration, drilling, development and production, including, but not limited to, dehydration, storage, compression, separation by mechanical means and product stabilization, incurred prior to the oil, gas and other mineral production leaving the leased premises or prior to delivery into a pipeline or gathering system, whichever occurs first; provided, however, (a) Lessee shall have free use of produced oil and gas for operations conducted on the leased premises or lands pooled therewith, and the royalties on oil and gas herein provided shall be computed after deducting any so used, and (b) Lessor's royalty shall bear its proportionate share of all ad valorem taxes and production, severance and other taxes and the actual, reasonable costs (including compression and related fuel charges) paid to or deducted by a third party to transport, compress, stabilize, process or treat the oil, gas and other mineral production off the leased premises in order to make the oil, gas and other mineral production saleable, increase its value or in order to get the oil, gas and other mineral production to a market.

Lessor and Lessee hereby adopt, ratify and confirm the Lease as to all of the terms and provisions therein, as amended by this Amendment of Oil, Gas and Mineral Lease, and for the same consideration, Lessor does hereby lease, grant, demise and let the interest of Lessor in the Land covered by the Lease, as amended by this Amendment of Oil, Gas and Mineral Lease, unto Lessee, and its successors and assigns, in accordance with all of the terms and provisions of the Lease, as amended by this Amendment of Oil, Gas and Mineral Lease.

Except as amended by this Amendment of Oil, Gas and Mineral Lease, the Lease is and remains in full force and effect as originally written.

This Amendment of Oil, Gas and Mineral Lease is executed this 13 day of October, 2009.

LESSOR:



Timothy G. Rankin, individually and as
Executor of the Estate of Willie J. Rankin, deceased

LESSEE:

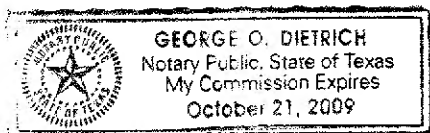
XTO ENERGY INC.



Edwin S. Ryan, Jr.
Senior Vice President – Land Administration

STATE OF TEXAS §
COUNTY OF TARRANT §

This instrument was acknowledged before me on this 13TH day of October, 2009, by Timothy G. Rankin, individually and as Executor of the Estate of Willie J. Rankin, deceased.



Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF TARRANT §

This instrument was acknowledged before me on this 13 day of October, 2009, by Edwin S. Ryan, Jr., Senior Vice President - Land Administration of XTO Energy Inc., a Delaware corporation, on behalf of said corporation.



Dorinda C West
Notary Public, State of Texas